

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL WAYNE JOYCE,

Plaintiff,

v.

ISMAIL PATEL,

Defendant.

No. 1:24-cv-00422 GSA (PC)

ORDER DIRECTING PLAINTIFF TO
COMPLETE IN FORMA PAUPERIS
APPLICATION FOR A NONPRISONER

PLAINTIFF'S IN FORMA PAUPERIS
APPLICATION FOR A NONPRISONER DUE
IN THIRTY DAYS

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 16, 2024, Plaintiff filed a notice of change of address with the Court. ECF No. 9. The address appears to be a private one, likely indicating that Plaintiff is no longer incarcerated.¹

Upon release from prison, a former inmate must be allowed to apply to proceed under general in forma pauperis provisions of 28 U.S.C. § 1915(a)(1). See DeBlasio v. Gilmore, 315 F.3d 396, 399 (4th Cir. 2003); In re Prison Litigation Reform Act, 105 F.3d 1131, 1139 (6th Cir.

¹ If the Court is incorrect, and Plaintiff is still, in fact, incarcerated, he must inform the Court immediately.

1 1997) (upon release, obligation to pay remainder of fees to be determined solely on question of
2 whether individual qualifies for pauper status). A released prisoner may proceed in forma
3 pauperis upon satisfying the poverty provisions applicable to non-prisoners. McGann v.
4 Comm'r, Soc. Sec. Admin., 96 F.3d 29, 30 (2d Cir. 1996).

5 For these reasons, Plaintiff will be ordered to complete and file an application to proceed
6 in forma pauperis by a non-prisoner. Plaintiff will be given thirty days to do so.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Clerk of Court shall send Plaintiff a copy of the Court's application to proceed in
9 forma pauperis for a non-prisoner, and
10 2. Within thirty days from the date of this order, Plaintiff shall complete and file the non-
11 prisoner in forma pauperis application with the Court.

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14 IT IS SO ORDERED.

15 Dated: February 5, 2025

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE